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PART IV.

Legislative Measures and Rules thereunder.

NOTIFICATION.

No. 3926—L. C., Bangalore, dated 31st May 1938.

Under Rule 8 of the rules for the conduct of business of the Mysore Legislative Council, the accompanying Mysore Cigarette-Tobacco Safeguarding Bill is published for general information with the statement of objects and reasons.

By Order,

A. SUNDARARAJA RAO,
Secretary,
Mysore Legislative Council.

The Mysore Cigarette-Tobacco Safeguarding Bill

A Bill to provide for the development of Cigarette-tobacco cultivation and for safeguarding the insterests of Cigarette-tobacco cultivators in Mysore.

Whereas it is expedient for the fostering and development of Cigarette-tobacco cultivation in Mysore to take power for controlling the seed supply and the curing and marketing of Cigarette-tobacco in the State and for safeguarding the interests of tobacco cultivators; it is hereby enacted as follows:—

1. This Act shall be called the Mysore Cigarette-tobacco Safeguarding Act.

2. (1) It extends to the whole of Mysore.

(2) It shall come into operation from such date as the Government may by notification in the official Gazette direct.

3. In this Act, unless there is anything repugnant in the subject or context.—

(*a*) "Cigarette-tobacco" shall include the following varieties, *viz.*, Harrison Special, Cash, Adcock, Burley and all other flue-cured varieties of tobacco used for the manufacture of cigarettes;

(*b*) "Barn" means any structure in which raw tobacco leaf is cured by heat radiating from flue-pipes or tubes connected with an oven or a plant generating steam or electricity;

(*c*) "Seed-bed" means earthen beds in which tobacco seed is sown and seedlings raised;

(*d*) "License" means a license granted under this Act and 'Licensed' and 'Licensee' shall have corresponding meanings.

(*e*) "Prescribed" means prescribed by rules made under this Act.

4. (1) It shall be lawfull for the Government to grant to any person or persons on such conditions and for such periods as may seem fit, licenses for raising seed-beds for supply of seedlings to growers and for the construction of barns for curing Cigarette-tobacco.

(2) Such conditions in regard to seed-beds may specify the source from which the seed may be obtained, the places where seed-beds are to be located, the preventive measures to be taken against insect pests and plant diseases and other matters relating to the proper preparation of seedlings;

(3) Such conditions in regard to the construction of barns by growers to cure tobacco grown by them may specify the localities and places where they are to be constructed, the kind of material to be used, the dimensions of the barn, the oven, and flue-pipes and chimneys.

(4) Where such barns are proposed to be constructed by curers for curing tobacco grown by others, such conditions may also prescribe and limit the zones within which they may take up the curing of tobacco grown by cultivators and the distance to be observed from the nearest existing barn and also the extent of tobacco area corresponding to a barn, the minimum prices to be paid for leaves under agreements to be entered into by them in writing which the growers before transplantation of seedlings.

5. It shall not be lawful for any person after the expiration of three months from the coming into force of this Act to carry on the business of raising seed-beds or the construction of barns for curing Cigarette-tobacco except under the authority and subject to the terms and conditions of a license granted in accordance with the provisions of this Act.

6. The decision of the Government as to whether a license may or may not be granted shall be final.

7. The Government may by special or general order require the applicant for a license or a licensee or any person who being a partner, proprietor, manager or an officer of a company or factory is able to give information, to furnish such information within such time as they may fix.

8. For the purpose of this Act and the rules framed thereunder the Director of Agriculture or any officer authorised by him shall have the right of access to any land or premises wherein tobacco seed-beds, or curing barns are located and into any land where Cigarette-tobacco is cultivated for examination with reference to the prevalence of insect pests or plant diseases and to all other relevent matters within the purview of this Act and the Rules thereunder.

9. The Director of Agriculture or any officer to whom this power is delegated by him with the approval of Government shall have the power to order the destruction of all tobacco seedlings or plants which in his opinion are so badly infested with pest or diseases or parasite as to

be a source of the spread of such pest, parasite or disease. The decision of the Director of Agriculture on this point shall be final.

10. On default of the party to comply with the said order the Director of Agriculture shall have the power to arrange for the destruction of such affected plants—the cost incurred for such destruction being recoverable in the same manner as arrears of land revenue.

11. The Government may by notification in the Official Gazette, make rules requiring the owners of curing barns in Mysore to make such returns to them, prescribing the form of such returns, the dates of their submission and the authority to whom they shall be submitted.

12. It shall be permissible for any seller of cured Cigaratte-tobacco to sell them ungraded; but where a different description does not expressly appear in the terms of a contract, the several grades of cured tobacco for purposes of marketing shall be resumed to be the grades indicated in the Schedule appended to this Act.

13. (1) Whoever contravenes any of the provisions of this Act or of the rules made thereunder shall be punishable with fine which may extend to rupees five hundred or in case of continued contravention with a fine which may extend to rupees Fifty for every day during which the contravention is continued after conviction therefor.

(2) Any person who (a) refuses or neglects to furnish any information required to be furnished for the purpose of this Act or rules made thereunder, (b) refuses access to the Director of Agriculture or officer authorised by him for inspection of seed-beds, cultivation and curing, or (c) fraudulently uses or permits to be used any license issued under this Act, shall be punishable with fine which may extend to rupees one hundred.

14. Where the person guilty of an offence under this Act is,—

(*a*) an Association or Firm, every partner, member, manager, or secretary and other officer thereof who is knowingly a party to the default, and

(*b*) a Company, every Director, Manager, Secretary and other officer thereof who is knowingly a party to the default,

shall also be guilty of the like offence and liable to the like punishment.

15. No offence made punishable by this Act or by any rule made thereunder shall be tried by a court inferior to that of a Magistrate of the First Class.

16. No prosecution under this Act shall be instituted except with the sanction of the Director of Agriculture.

17. No suit or other legal proceedings shall be instituted against any person in respect of anything which is in good faith done or intended to be done under this Act.

18. (1) The Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing powers such rules may provide for,—

(*a*) the fixing of the price or prices at which the raw tobacco leaves shall be purchased by the curers,

(*b*) the levying of fees in respect of licenses granted under this Act,

(*c*) the conditions and limitations subject to which a license may be granted,

(*d*) the establishing of advisory committees for the purpose of fixing the price or prices at which raw Cigarette-tobacco leaf shall be purchased by a curer and defining the powers, functions and procedure of such committees, and

(*e*) the records, registers and accounts to be maintained for ensuring compliance with the provisions of this Act.

SCHEDULE.

Grade designations and definition of quality of unmanufactured Flue-cured Cigarette-tobacco grown in Mysore.

Grade designation	Special characteristics			
	Colour	Texture	Tolerance	
			Blemish*	Damage†
1	Bright lemon ...	Fine silky ...	Nil ...	Nil
2	Lemon ...	Good or medium...	Greenish tinge at veins.	Nil
3	Orange lemon ...	Do ...	10 per cent ...	Nil
4	Lemon with green patches	Medium ...	15 ,, ...	5 per cent.
5	Bright brown ...	Thin (not papery)	20 ,, ...	10 ,,
6	Bright reddish brown and green.	Medium—not inferior to Grade IV	25 ,, ...	15 ,,
7	Usable scraps and rejections.	...	30 ,, ...	20 ,,

(*) "Blemish" shall include green patches, brown spots and patches and damage due to pests or breakage in handling.

(†) "Damage" shall include sponginess, scalding; black spot, disease perished leaf or other damage. The percentages stated in columns 4 and 5 refer to the proportion of the total area of leaf affected in any sample.

Statement of Objects and Reasons.

The Virginia type of tobacco used for the manufacture of cigarettes has commenced to be grown and cured in Mysore and its cultivation is gradually spreading. It is a variety of tobacco which has bright future prospects in Mysore. In the interests of the safe expansion of cultivation of this variety of tobacco and to check the spread of insect pests and plant diseases which are likely to cause heavy damage to the crop and thus permanently injure the prospects of its future expansion, it is proposed in this Bill to regulate the raising of seed-beds for supply of seedlings to the growers and the construction of curing barns by the issue of licenses. It is equally necessary to safeguard the interests of the growers by fixing the minimum price to be paid by curers, like the Mysore Tobacco Company, to the growers. The Bill also provides for the destruction of plants infested with pests or diseases to prevent the spread of pests or diseases. Where tobacco is to be sold in grades and not as ungraded, the Bill indicates the standards of the grades to be adopted for purposes of marketing. The standard for each grade as adopted in the Bill is the same as those adopted by the Government of India in their Agricultural Produce Marketing Rules relating to tobacco.

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